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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
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DOLAN, JENNIFER M

ART UNIT	PAPER NUMBER
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2652

DATE MAILED: 03/04/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/478,582

Applicant(s)

YAMASHITA, TATSUMARO

Examiner

Jennifer M. Dolan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 06 November 2000 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2, 5. 6) ☐ Other:

## DETAILED ACTION

### *Drawings*

1. The corrected or substitute drawings were received on November 6, 2000. These drawings are approved by the examiner.

### *Claim Objections*

2. Claim 4 is objected to because of the following informalities: On line 4 of claim 4, the second instance of "clamping" should be --writing--. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,175,726 to Imokawa.

Regarding claim 1, Imokawa discloses an optical disk cartridge (column 1, lines 10-15) comprising a casing (1) having a pair of walls (1a, 1b) for accommodating an optical disk therein. The walls of the casing are formed with clamping windows (central part of 3 in figure 7) for clamping the disk at the central portions, and with reading/writing windows (rectangular part of 3 in figure 7) for reading information from the disk and writing information on the disk (column 2, lines 49-50) from the clamping windows to the side edges of the casing (figure 7). A

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shutter capable of opening and closing the clamping windows and reading and writing windows (column 2, lines 51-52) is slidably provided. Imokawa further discloses that the horizontal side of the clamping windows along a sliding direction of the shutter (from left to right in figure 7) is formed shorter than the vertical side thereof orthogonal to the sliding direction of the shutter (figure 7), noting that the applicant's disclosure establishes that the vertical side of the clamping window is the vertical distance between the bottom of the clamping window and the center of an arc of a radius equal to the radius of the arcuate parts of the clamping window, drawn between the clamping window and the read/write window (figure 11 in applicant's disclosure).

Regarding claim 2, Imokawa discloses that the clamping windows are formed by linear parts (3 in figure 7, located between top rectangular region and central circular region) opposing along the sliding direction of the shutter (figure 7), and arcuate parts (3 in figure 7, central circular region) connecting the linear parts. The distance between the linear parts is shorter than the diameter of the arcuate parts (figure 7).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Imokawa.

Imokawa fails to disclose the dimensions of the diameter of the arcuate regions and the distance between the linear parts of the clamping windows. From figure 7, the clamping window

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of Imokawa is considered to have a diameter of about 30-40 mm and a distance between linear parts of about 1-2 mm less than the diameter. Assuming arguendo, the clamping window of Imokawa does not have a diameter of the arcuate regions of  $28 \text{ mm} \pm 2 \text{ mm}$ , and a distance between linear parts of  $27.4 \text{ mm} \pm 2 \text{ mm}$ .

It would have been obvious to one of ordinary skill in the art at the time the invention was made to specify arcuate diameter dimensions of Imokawa in the range of 26 mm to 30 mm, and a separation between linear parts of 25.4 mm to 29.4 mm. The motivation is as follows: The clamping window must have sufficient size to allow the hub of the disk driving unit to access and spin the disk. A large clamping window, however, necessitates a larger shutter that must slide a greater distance in order to permit access to the clamping and read/write windows, which can cause the shutter to protrude from the side of the disk. A skilled artisan would have been motivated to specify a diameter of the clamping window of about 28 mm, because it would allow sufficient access room for the disk driver hub, while remaining small enough that the shutter doesn't protrude from the side of the disk when fully open. The linear separation across the clamping window of Imokawa is only slightly smaller than the arcuate diameter, so it would have been obvious to one of ordinary skill to specify a linear separation falling in the range of 25.4 mm to 29.4 mm.

7. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Imokawa in view of U.S. Patent No. 5,166,922 to Akiyama et al.

Imokawa fails to disclose projections for narrowing the width of the reading and writing windows, which are formed on the border of the clamping windows and the reading and writing windows.

Akiyama et al. disclose projections (between 8 and 9 in figures 1 and 2) for narrowing the width of the reading and writing windows (9), which are formed on the border of the clamping windows (8) and the reading and writing windows (figure 2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the disk cassette of Imokawa so that it includes the projections taught by Akiyama et al. The rationale is as follows: The projections taught by Akiyama cause the disk cartridge to remain centered on the disk when the disk is held on the spindle of the disk drive, which prevents the disk from abutting against the inner surface of the cartridge. It would have been obvious to add the projections taught by Akiyama to prevent the disk cartridge from damaging the disk.

### *Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 6,057,995 to Yamashita et al. discloses a disk cassette compatible with both 120 mm and 80 mm disks.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer M. Dolan whose telephone number is (703) 305-3233. The examiner can normally be reached on Monday-Friday 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa T. Nguyen can be reached on (703) 305-9687. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and same for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Jennifer M. Dolan  
Examiner  
Art Unit 2652

jmd  
February 15, 2002

  
DAVID DAVIS  
PRIMARY EXAMINER